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CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KAIMIN JIMMY JEN,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, SAN FRANCISCO, DENNIS
HERRERA, RAFAEL TORES-GIL, MIKE
KLOSE and DOES 4-50,

Defendants.

Case No. CV-15-3834 HSG

**CITY AND COUNTY OF SAN FRANCISCO'S
ADMINISTRATIVE MOTION TO EXTEND
TIME TO FILE REPLY BRIEF;
DECLARATION IN SUPPORT;
ORDER**

[UNOPPOSED]

[CIVIL LOCAL RULE 6-3]

**ADMINISTRATIVE MOTION TO EXTEND TIME TO FILE REPLY BRIEF
(UNOPPOSED)**

Pursuant to Civil Local Rule 6-3, Defendant City and County of San Francisco ("San Francisco") requests an extension of time to file its reply brief on San Francisco's pending Motion to Dismiss (Dkt. No. 7) and Special Motion to Strike (Dkt. No. 6). The reply brief is currently due on Monday December 21, 2015 and the extension requested is to Wednesday December 23, 2015. Hearing on the motions is set for January 21, 2016. The matters to be addressed in Civil Local Rule 6-3 are addressed in the following declaration of counsel.

Mr. Jen does not oppose the motion. (Exh. A.)

DECLARATION OF PETER J. KEITH REGARDING GOOD CAUSE

I, Peter J. Keith, declare as follows:

1. I am a Deputy City Attorney for the San Francisco City Attorney's Office, counsel of record in this case for defendant City and County of San Francisco. Unless otherwise indicated, I have personal knowledge of the facts set forth below.

2. The City filed its motion to dismiss (Dkt. No. 7) and special motion to strike the Complaint (Dkt. No. 6) on November 17, 2015. Plaintiff is proceeding pro se and is not registered for electronic filing. Therefore, these papers were served by mail. Plaintiff's opposition was therefore due on December 4, 2015. Plaintiff filed his opposition, however, on December 9, 2015. Plaintiff's opposition was served by mail, so I did not receive it that day. Therefore, under Local Rule 7-3(c), the City's reply is currently due on Monday December 21, 2015. (The local rule could also be read to have made the City's reply brief due on December 14, 2015, regardless of the fact that Plaintiff's opposition was filed late.)

3. Good cause for an extension exists. Plaintiff's late filing of his opposition resulted in my not being able to prepare the reply brief during days when I had time available to do so, early in the week of December 7. Since the middle of that week and for all of this week (of December 14) substantially all of my working time has been devoted to preparation of an appellate reply brief in the case *City and County of San Francisco v. Regents of the University of California et al.*, Case No. A144500, which is due on Friday December 18. I am the Deputy City Attorney responsible for that appeal, which involves a tax matter that is worth several million dollars per year in tax revenue to San Francisco. As a consequence of the pressing need to complete that appellate brief, in this case I have not had adequate time to prepare a complete and concise reply brief.

4. Mr. Jen does not oppose the request. On Tuesday December 15 I contacted Mr. Jen by email to ask whether he opposed this request for an extension. He sent me an email stating that he did not object to the request. A true and correct copy of Mr. Jen's email is attached as Exhibit A.

5. No previous modification of the briefing schedule has been requested.

6. The requested modification is not expected to affect any other deadline in the case. Hearing on the motion is set for January 21, 2016, so the filing of a reply brief on December 23, 2015 is expected to permit the Court adequate time to review the motion papers in advance of the hearing.

I declare under penalty of perjury of the laws of the United States and of California that the foregoing is true and correct. Executed this 15th day of December 2015, in San Francisco, California.

/s/ Peter J. Keith
PETER J. KEITH

CONCLUSION

For the foregoing reasons, San Francisco respectfully requests that the Court issue an order extending the time for the City to file its reply brief on December 23, 2015.

Dated: December 15, 2015

DENNIS J. HERRERA
City Attorney
CHERYL ADAMS
Chief Trial Deputy
PETER J. KEITH
Deputy City Attorney

By: /s/ Peter J. Keith
PETER J. KEITH


Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

ORDER

Based on the above motion and good cause appearing, the Court ORDERS that the time for Defendant City and County of San Francisco to file its reply brief on the pending motion to dismiss (Dkt. No. 7) and special motion to strike (Dkt. No. 6) is extended to December 23, 2015.

IT IS SO ORDERED.

Dated: December 16, 2015


THE HONORABLE HAYWOOD S. GILLIAM JR.
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

I, SOPHIA GARCIA, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Sixth Floor, San Francisco, CA 94102.

On December 15, 2015, I served the following document:

**CITY AND COUNTY OF SAN FRANCISCO'S ADMINISTRATIVE MOTION TO EXTEND
TIME TO FILE REPLY BRIEF;
DECLARATION IN SUPPORT;
[PROPOSED] ORDER**

[UNOPPOSED]

[CIVIL LOCAL RULE 6-3]

on the following persons at the locations specified:

Kaimin Jimmy Jen
450 Taraval Street, #129
San Francisco, CA 94116
Telephone: 415-688-0256
Email: deltadesign5138@gmail.com
Plaintiff in Pro Per

in the manner indicated below:



BY PERSONAL SERVICE: I sealed true and correct copies of the above documents in addressed envelope and caused such envelope to be delivered by hand at the above locations by a professional messenger service.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed December 15, 2015, at San Francisco, California.

SOPHIA GARCIA